



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 2, 1998

Mr. Saul Pedregon  
Assistant City Attorney  
Criminal Law and Police Division  
City Dallas  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR98-2108

Dear Mr. Pedregon:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118622.

The City of Dallas Police Department (the "department") received an open records request for the photographs relating to a particular accident. You contend that the requested information is excepted from required public disclosure pursuant to section 552.108(a) of the Government Code.

Section 552.108(a) of the Government Code excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or]

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

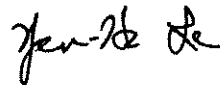
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(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person an arrest or a crime.

Generally, a governmental body claiming an exception from disclosure under section 552.108(a)(1) must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. In order to determine the applicability of section 552.108, this office requires accurate, current information about the status of the case to which the requested information relates. You state that the requested photographs pertain to a pending criminal investigation. The release of information pertaining to a pending criminal investigation would interfere with the detection, investigation, or prosecution of crime, and therefore section 552.108(a)(1) applies to except the information from public disclosure. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Accordingly, we find that you may withhold the requested information under section 552.108(a)(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 118622

Enclosures: Submitted documents

cc: Mr. Chester D. Miller  
Vehicle Accident Reconstruction Specialist  
4105 Crystal Lane  
Garland, Texas 75043  
(w/o enclosures)